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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 **EUGENE FORTE,**

9 **Plaintiff**

10 **v.**

11 **TOMMY JONES,**

12 **Defendant.**

**CASE NO. 1:11-CV-0718 AWI-BAM**

**ORDER SETTING DATE FOR  
DEFENDANT'S RESPONSE TO  
PLAINTIFF'S MOTION IN LIMINE,  
DOCUMENT NUMBER 152**

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15 On May 23, 2014, Plaintiff filed a "Motion in Limine For Clerical Clarification of Second  
16 Amended Complaint" (hereinafter, Plaintiff's "Motion"). Doc # 152. The primary purpose of  
17 Plaintiff's Motion is to clarify Plaintiff's intentions with regard to the scope of Defendant's  
18 conduct that constitutes the alleged infringement of Plaintiff's rights under the First Amendment  
19 and therefore should inform the jury's consideration of damages. It is the court's understanding,  
20 based on Plaintiff's Motion and on comments made during the hearing on motions in limine, that  
21 it is Plaintiff contends that all the negative interactions between Plaintiff and Defendant, including  
22 those that were described in Plaintiff's first and second claims for relief that have been dismissed,  
23 are all examples of retaliation by Defendant against Plaintiff motivated by Plaintiff's exercise of  
24 his free speech rights. It is therefore Plaintiff's contention that both evidence of both retaliation  
25 and damage are to be found in Defendant's actions regarding Plaintiff that both predate and  
26 postdate the city council meeting of May 7, 2008.

27 Although Plaintiff's motion also requests clarification of rulings during the hearing on a  
28 number of motions in limine and seeks reconsideration of the court's refusal to disqualify itself

1 from the proceedings, the court requests that Defendant not address these issues and confine any  
2 further briefing to the issue mentioned in the first paragraph of this order.

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4 It is hereby ORDERED that Defendant may file and serve any response to the issue  
5 discussed in the first paragraph of this order not later than 5:00 p.m. Thursday, May 29, 2014.

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8 IT IS SO ORDERED.

9 Dated: May 27, 2014

  
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10 SENIOR DISTRICT JUDGE